IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANNE M. ROTH, Plaintiff,	:	CIVIL ACTION
v.	:	NO.
N3 OCEANIC, INC., Defendant.	:	

NOTICE OF REMOVAL OF DEFENDANT N3 OCEANIC, INC.

Pursuant to 28 U.S.C. § 1441 *et seq.*, defendant, N3 Oceanic, Inc. ("N3"), by its undersigned counsel, hereby files this Notice of Removal to remove this action from the Court of Common Pleas of Montgomery County, Pennsylvania, in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof, avers as follows:

1. Plaintiff Anne M. Roth commenced this action for purposes of state law by filing a praecipe for issuance of a writ of summons on November 25, 2011.

2. Plaintiff did not file or serve N3 with any initial pleading setting forth her claims until January 26, 2012, at which time N3 was served with a copy of the Complaint styled as *Anne M. Roth V. N3 Oceanic, Inc.,* Civil Action No. 2011-32508 in the Court of Common Pleas of Montgomery County.

3. Plaintiff's Complaint includes claims for Invasion of Privacy based on state and federal law (Count I), Wrongful Discharge based on state law (Count II), Wrongful Discharge based on the Pennsylvania Human Relations Act (PHRA) and the Age Discrimination Employment Act (ADEA) (Count III), Wrongful Discharge based on Title VII of the Civil

Rights Act of 1991 (Count IV), and Wrongful Discharge based on Pennsylvania common law (Count V).

4. A true and correct copy of all pleadings served upon N3 to date in the state court proceedings are attached hereto as Exhibit "A".

5. The present lawsuit is removable from the state court to this Court, pursuant to 28 U.S.C. § 1441(a), because the complaint alleges causes of action based on the Age Discrimination Employment Act (ADEA) and Title VII of the Civil Rights Act of 1991 against N3, and those claims are within the original jurisdiction conferred on the district courts of the United States by 28 U.S.C. § 1331.

6. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over the remaining causes of action that are not within the original jurisdiction of the district courts, because the remaining claims form part of the same case and/or controversy as the claims within the original jurisdiction of this Court.

7. This notice of removal is timely filed under 28 U.S.C. § 1446(b), because the notice is filed within thirty (30) days of service of a copy of the Complaint on January 26, 2012.

8. Venue is properly laid in this district, pursuant to 28 U.S.C. § 1391(b) and (c), because a substantial part of the events giving rise to Plaintiff's alleged claims occurred in this district, and N3 is subject to personal jurisdiction within this district.

9. As required by 28 U.S.C, § 1446(d), N3 will provide written notice of the filing of this Notice of Removal to Plaintiff. N3 will also file a copy of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Mongomery County, Pennsylvania.

WHEREFORE, notice is hereby given that this action is removed from the Court of Common Pleas of Montgomery County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

FOX ROTHSCHILD LLP

By: ______________________________
Randal S. White, Esquire
Attorney I.D. No. 64020
Nicholas S. Salter, Esquire
Attorney I.D. No. 310334
Attorneys for Defendant N3 Oceanic, Inc.,

Dated: February 13, 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANNE M. ROTH,	:	
Plaintiff,	:	CIVIL ACTION
	:	NO.
vi.	:	
N3 OCEANIC, INC.,	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Nicholas S. Salter, hereby certify that a true and correct copy of the foregoing Notice of Removal of N3 Oceanic, Inc. was served upon the following individuals by filing through the ECF/CM filing system and by United States first class mail, postage prepaid, and addressed as follows:

Joseph N. Sciulli, Esq.
313 Main Street
P.O. Box 194
Green Lane, PA 18054

Attorney for Plaintiff

Nicholas S. Salter, ESQ.

Dated: February 13, 2012

DT1 957929v1 02/10/12

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ANNE M ROTH MS

vs.

N3 OCEANIC INC

NO. 2011-32508

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: JOSEPH N SCIULLI, Esq., ID: 60182

Self-Represented (Pro Se) Litigant [ ]

Class Action Suit [ ] Yes [X] No

MDJ Appeal [ ] Yes [X] No

Money Damages Requested [X]

Commencement of Action:

Writ of Summons

Amount in Controversy:

More than $50,000

Case Type and Code

Tort:

Other

Other: DISCRIMINATION/WRONGUL DISCHARGE

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ANNE M ROTH MS

vs.

N3 OCEANIC INC

NO. 2011-32508

PRAECIPE FOR SUMMONS

To the Prothonotary:

Issue Summons in Civil Action in the above case.

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY
Signature

JOSEPH N SCIULLI ESQUIRE
Filing Party

60182
ID Number

Date 11/25/2011

LAW OFFICE OF JOSEPH N SCIULLI ESQUIRE
Firm Name

313 MAIN STREET
PO BOX 194
Address

GREEN LANE, PA 18054

2152340881
Phone

* * * * * * * * *

TO: Defendant(s)

You are notified that the Plaintiff(s) has / have commenced an action against you.

Prothonotary, Montgomery County

Date: 11/25/2011

By: WSEAN YATES
Clerk / Deputy

Addresses must be included for all parties.

By: Joseph N. Sciulli, Esq.
Attorney ID # 60182
313 Main Street
P.O. Box 194
Green Lane, PA 18054
(215) 234 – 0881 || Fax: (215) 234 – 0891
jsciulliesq@verizon.net

Attorney for Plaintiff, Anne M. Roth

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PA

ANNE M. ROTH,	:	
Plaintiff	:	CIVIL ACTION – LAW
VS,	:	
	:	NO.: 2011 –
N3 OCEANIC, INC.	:	
Defendant	:	

PRAECIPE FOR WRIT OF SUMMONS

To the Prothonotary:

Issue Summons in Civil Action in the above case.

Writ of Summons shall be forwarded to _X_ Attorney ___Sheriff.

Date: November 25, 2011 By: s/*____________________, Attorney ID # 60182
*Joseph N. Sciulli, Esquire
Address: 313 Main Street
P.O. Box 194
Green Lane, PA 18054
Attorney for Plaintiff, Anne M. Roth
**filed via the Court's electronic filing system*
Signature Retained by Filing Party's Attorney

WRIT OF SUMMONS

TO: N3 OCEANIC, INC., Defendant
You are notified that the Plaintiff has commenced an Action against you.

SEAL

MARK LEVY
Prothonotary, Montgomery County

Date: November ______ , 2011

By: ______________________________
CLERK/DEPUTY

[Attached is a list of addresses of all parties (and Attorney for Defendant)]

By: Joseph N. Sciulli, Esq.
Attorney ID # 60182
313 Main Street
P.O. Box 194
Green Lane, PA 18054
(215) 234 – 0881 || Fax: (215) 234 – 0891

Attorney for Plaintiff, Anne M. Roth

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PA

ANNE M. ROTH,	:	
Plaintiff	:	CIVIL ACTION – LAW
VS,	:	
	:	NO.: 2011 –
N3 OCEANIC, INC.	:	
Defendant	:	

LIST OF ADDRESSES OF ALL PARTIES

The Address of Plaintiff, Anne M. Roth, is 730 Montgomery Avenue
Pennsburg, PA 18073

The Address of Defendant, N3 Oceanic, Inc. is 1862A Tollgate Road
Palm, PA 18070

The Writ of Summons shall be forwarded to the following Attorney for Defendant:

Randal S. White, Esquire
Fox Rothschild, LLP
2700 Kelly Road, Suite 300
Warrington, PA 18976 – 3624

Date: November 25, 2011 By: s/*____________________, Attorney ID # 60182
*Joseph N. Sciulli, Esquire
Address: 313 Main Street
P.O. Box 194
Green Lane, PA 18054
Attorney for Plaintiff, Anne M. Roth
**filed via the Court's electronic filing system*
Signature Retained by Filing Party's Attorney

FOX ROTHSCHILD LLP
By: Randal S. White, Esquire
Attorney I.D. No. 64020
2700 Kelly Road
Suite 300
Warrington, PA 18976
Phone: (215) 345-7500
Fax: (215)-345-7507

Attorneys for Defendant, N3 Oceanic, Inc.

ANNE M. ROTH, Plaintiff,	:	COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
v.	:	
N3 OCEANIC, INC., Defendant.	:	DOCKET NO. 2011-32508

ACCEPTANCE OF SERVICE

I accept service of the Writ of Summons on behalf of Defendant N3 Oceanic, Inc. and certify that I am authorized to do so.

FOX ROTHSCHILD LLP

By: ______________________

Randal S. White, Esquire
2700 Kelly Road, Suite 300
Warrington, PA 18976
Phone: (215) 918-3610
Fax: (215) 345-7507
E-Mail: rwhite@foxrothschild.com

Dated: January 4, 2012

FOX ROTHSCHILD LLP
By: Randal S. White, Esquire
Attorney I.D. No. 64020
2700 Kelly Road
Suite 300
Warrington, PA 18976
Phone: (215) 345-7500
Fax: (215)-345-7507

Attorneys for Defendant, N3 Oceanic, Inc.

ANNE M. ROTH, Plaintiff,	:	COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
v.	:	
N3 OCEANIC, INC., Defendant.	:	DOCKET NO. 2011-32508

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Acceptance of Service was served *via* electronic filing and United States First Class Mail, postage prepaid, upon the following:

Joseph N. Sciulli, Esquire
313 Main Street
P.O. Box 194
Green Lane, PA 18054
Attorney for Plaintiff, Anne M. Roth

FOX ROTHSCHILD LLP

By: [signature]
Randal S. White, Esquire

Dated: January 4, 2012

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ANNE M ROTH MS vs. N3 OCEANIC INC	NO. 2011-32508

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance for

DEFENDANT, N3 OCEANIC, INC.

in the above case.

Date: 01/04/2012

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY
Signature

RANDAL S. WHITE, ESQUIRE
Filing Party

64020
ID Number

FOX ROTHSCHILD LLP
Firm Name

2700 KELLY ROAD
SUITE 300
Address

WARRINGTON, PA 18976

215-345-7500
Phone

FOX ROTHSCHILD LLP
By: Randal S. White, Esquire
Attorney I.D. No. 64020
2700 Kelly Road
Suite 300
Warrington, PA 18976
Phone: (215) 345-7500
Fax: (215)-345-7507

Attorneys for Defendant, N3 Oceanic, Inc.

ANNE M. ROTH, Plaintiff,	COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
v.	
N3 OCEANIC, INC., Defendant.	DOCKET NO. 2011-32508

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our appearance on behalf of Defendant, N3 Oceanic, Inc., in the above captioned matter.

FOX ROTHSCHILD LLP

By: ______________________
Randal S. White, Esquire
2700 Kelly Road, Suite 300
Warrington, PA 18976
Phone: (215) 918-3610
Fax: (215) 345-7507
Attorneys for Defendant, N3 Oceanic

Dated: January 4, 2012

FOX ROTHSCHILD LLP
By: Randal S. White, Esquire
Attorney I.D. No. 64020
2700 Kelly Road
Suite 300
Warrington, PA 18976
Phone: (215) 345-7500
Fax: (215)-345-7507

Attorneys for Defendant, N3 Oceanic, Inc.

ANNE M. ROTH, Plaintiff,	:	COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
v.	:	DOCKET NO. 2011-32508
N3 OCEANIC, INC., Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a copy of an Entry of Appearance was served *via* electronic filing and United States First Class Mail, postage prepaid, upon the following:

Joseph N. Sciulli, Esquire
313 Main Street
P.O. Box 194
Green Lane, PA 18054
Attorney for Plaintiff, Anne M. Roth

FOX ROTHSCHILD LLP

Dated: January 4, 2012

By: [signature]
Randal S. White, Esquire

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

ANNE M ROTH MS

vs.

N3 OCEANIC INC

NO. 2011-32508

PRAECIPE AND RULE TO FILE A COMPLAINT

TO THE PROTHONOTARY/CLERK OF SAID COURT;

Issue rule upon ANNE M ROTH MS to file a complaint in the above case within twenty (20) days after service of the rule or upon praecipe, suffer a judgment of non pros.

Date: 01/04/2012

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY
Signature

RANDAL S. WHITE, ESQUIRE
Filing Party

64020
ID Number

FOX ROTHSCHILD LLP
Firm Name

2700 KELLY ROAD
SUITE 300
Address

WARRINGTON, PA 18976

215-345-7500
Phone

NOW, 01/04/2012, A RULE IS ISSUED AS ABOVE.

Prothonotary

MARISSA LOBB
Agent/Deputy

FOX ROTHSCHILD LLP
By: Randal S. White, Esquire
Attorney I.D. No. 64020
2700 Kelly Road
Suite 300
Warrington, PA 18976
Phone: (215) 345-7500
Fax: (215)-345-7507

Attorneys for Defendant, N3 Oceanic, Inc.

ANNE M. ROTH, Plaintiff,	COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
v.	
N3 OCEANIC, INC., Defendant.	DOCKET NO. 2011-32508

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please enter a Rule upon plaintiff to file a Complaint within twenty (20) days hereof or suffer the entry of a Judgment of Non Pros.

FOX ROTHSCHILD LLP

By: [signature]
Randal S. White, Esquire
Attorneys for Defendant

RULE TO FILE COMPLAINT

AND NOW, this ____ day of _______________, 2012, a Rule is hereby granted upon plaintiff to file a Complaint within twenty (20) days after service hereof or suffer the entry of a Judgment of Non Pros.

By:_______________________________
Prothonotary

FOX ROTHSCHILD LLP
By: Randal S. White, Esquire
Attorney I.D. No. 64020
2700 Kelly Road
Suite 300
Warrington, PA 18976
Phone: (215) 345-7500
Fax: (215)-345-7507

Attorneys for Defendant, N3 Oceanic, Inc.

ANNE M. ROTH, Plaintiff,	COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
v.	
N3 OCEANIC, INC., Defendant.	DOCKET NO. 2011-32508

CERTIFICATE OF SERVICE

I hereby certify that a copy of a Praecipe for Rule to File Complaint was served *via* electronic filing and United States First Class Mail, postage prepaid, upon the following:

Joseph N. Sciulli, Esquire
313 Main Street
P.O. Box 194
Green Lane, PA 18054
Attorney for Plaintiff, Anne M. Roth

FOX ROTHSCHILD LLP

By: [signature]
Randal S. White, Esquire

Dated: January 4, 2012

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ANNE M ROTH MS

vs.

N3 OCEANIC INC

NO. 2011-32508

NOTICE TO DEFEND - CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY COUNTY BAR ASSOCATION
100 West Airy Street (REAR)
NORRISTOWN, PA 19401
(610) 279-9660, EXTENSION 201

By: Joseph N. Sciulli, Esq.

Attorney ID #60182

313 Main Street

P. O. Box 194

Green Lane, PA 18054

(215) 234-0881 || Fax: (215) 234-0891

Email: jsciulliesq@verizon.net

Counsel for Plaintiff, Anne M. Roth

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ANNE M. ROTH, Plaintiff	:	
V.	:	CIVIL ACTION No. 2011 - 32508
N3 OCEANIC, INC., Defendant	:	JURY TRIAL DEMANDED

NOTICE TO DEFEND-CIVIL

To the Defendant, N3 Oceanic, Inc., care of its attorney, Randal

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA 19401
(610) 279-9660, EXTENSION 201

By: Joseph N. Sciulli, Esq.
Attorney ID #60182
313 Main Street
P. O. Box 194
Green Lane, PA 18054
(215) 234-0881 || (215) 234-0891
Email: jsciulliesq@verizon.net

Counsel for Plaintiff, Anne M. Roth

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ANNE M. ROTH, Plaintiff :

V. : CIVIL ACTION No. 2011 - 32508

N3 OCEANIC, INC., Defendant : **JURY TRIAL DEMANDED**

COMPLAINT

AND NOW, comes Anne M. Roth, by her attorney, and respectfully sets for the following Complaint for damages against her former employer, N3 Oceanic, Inc.:

1,) The amount in controversy, exclusive of interest and costs, is in excess of the compulsory arbitration limit of this Honorable Court; Plaintiff demands a jury trial.

2.) Plaintiff is Anne M. Roth, an adult individual born in October of 1963 who resides at 730 Montgomery Avenue, Pennsburg, Montgomery County, Pennsylvania.

3.) Defendant is N3 Oceanic, Inc., a Pennsylvania business corporation with a principal office for business located at 1862A Tollgate Road, Palm, Montgomery County, Pennsylvania.

4.) Defendant employs approximately twenty – five employees at its office in Palm, Montgomery County, Pennsylvania, and is engaged in the business of selling vitamins and natural supplements, primarily through its "Call Center".

5.) Plaintiff was hired by Defendant to work at its Call Center on February 24, 2003.

6.) Plaintiff worked diligently for Defendant in a supervisory capacity until her employment was abruptly terminated by Defendant's Controller, Judy Ackerman, on the morning of August 31, 2009.

7.) Prior to filling this lawsuit, Plaintiff "exhausted her administrative remedies" by filing a Complaint concerning her wrongful and illegal discharge with the Pennsylvania Human Relations Commission ("PHRA") that was "dual – filed" with the EEOC as a Charge of discrimination against Defendant.

8.) The EEOC and PHRA investigations were unable to resolve or determine the issues and disputes involved in this case, and Plaintiff accordingly requested and received a "right to sue letter".

9.) This lawsuit has been brought within the time allotted by the "right to sue" letter(s), issued by the EEOC and PHRC..

10.) During Plaintiff's employment with Defendant, she reported directly to President Pello and Controller Ackerman, and became familiar with Defendant's "Policy on Equal Opportunity and Freedom from Harassment" and its Rules and Policies pertaining to the "Call Center", which Rules and Policies include a "progressive disciplinary system" and a so – called "zero tolerance" policy with respect to unlawful discrimination, harassment, and retaliation by and against employees of Defendant.

11.) As a supervisor of one of the two shifts of the "Call Center", Plaintiff received and acted upon complaints of workers that she supervised in accordance policies and procedures of Defendant for handling employee complaints and disciplinary issues.

12.) Plaintiff was authorized by Defendant's management to handle complaints of coworkers for harassment and to make other disciplinary decisions.

13.) Plaintiff at all times acted in good faith to enforce Defendant's Rules and Policies for the "Call Center".

14.) In the approximate six and a half years of Plaintiff's employment with Defendant, that preceded her abrupt termination by Ms. Ackerman, Plaintiff had not been the subject of any "written" or "final warnings" by management for Defendant.

15.) Prior to being fired, Plaintiff and the workers she supervised were not notified that Defendant permitted any other employees of the "Call Center" to record or intercept the verbal communications between them.

16.) In the days prior to Defendant firing Plaintiff, Plaintiff and other co – workers discovered that their private conversations had been secretly and illegally "tape – recorded" by a digital or similar concealed recorder used by Ann Kuhns.

17.) Defendant's workplace were subject to electronic surveillance or recording of their voices, and/or that they were deemed to have given advance voluntary consent to having their conversations recorded by management or co –workers.

Count I – Invasion of Privacy

18.) After discovering the foregoing secret recordings through receiving complaints from workers she supervised, Plaintiff and the other workers who had been recorded were outraged and felt harassed by Ms. Kuhns.

19.) Ms. Kuhns had motive to retaliate against Plaintiff and a coworker who had complained to Plaintiff about harassing and mocking comments made by Ms. Kuhns.

20.) Ms. Kuhns harassment and comments had offended and upset the working environment of the call center on multiple occasions that gave rise to issuance of verbal and written warnings for harassment; soon after Plaintiff issued and discussed the most recent warning of Ms. Kuhns with Judy Ackerman, the recordings began.

21.) On or about August 20, 2009, Charging Party, as a Call Center Supervisor, issued a "written warning" to a Call Center worker under her supervision, being Anne Kuhn's. Ms. Kuhn's written warning was issued for harassment of certain co-workers, including Debra Ho Sue, the only person of African American descent employed by Defendant at the time.

22.) Defendant's upper management, including Controller Judy Ackerman, was notified previously of the harassment and hostile work environment that Anne Kuhns' mocking of co-workers created, and the written warning Plaintiff issued Ms. Kuhn's per Defendant's "zero tolerance" policy.

23.) Ms. Ackerman initially attempted to block Plaintiff's discipline of Ms. Kuhns by referring to Plaintiff's reporting of same as based upon "hearsay", despite the fact that Plaintiff advised Ms. Ackerman that she had received complaints of Ms. Kuhns' ongoing harassment from three or more coworkers.

24.) After Plaintiff personally overheard Ms. Kuhn's engage in prohibited "mocking" of a coworker in the Call Center, she placed a "written warning" in Ms. Kuhns' personnel file on or about August 20, 2009, and emailed Ms. Ackerman concerning said written warning on August 24, 2009.

25.) On August 27, 2009, Debra Ho Sue sent an email to Plaintiff advising that she became aware that Ms. Kuhns was secretly recording workers at the Call Center. Plaintiff investigated and determined that this was in fact true, and that Ms. Ho Sue and other Call Center workers believed that Ms. Kuhns' secret recording of them constituted harassment and created a hostile working environment. \

26.) On August 28, 2009, Plaintiff notified Ms. Ackerman via email and met personally with her to inform and complain about Ms. Kuhn's secret and illegal recording of workers at the Call Center, including Plaintiff herself, and advised Defendant that she believed such recording was not only against Defendant's harassment policy, but also amounted to a felony of the third degree.

27.) Ms. Ackerman was not shocked or surprised when a portion of the recordings by Ms. Kuhn's were played on August 28, 2009.

28.) During that meeting, Plaintiff complained to Ms. Ackerman that she believed the unlawful recording taping of her and other Call Center workers created a hostile working environment, and was being engaged in by Ms. Kuhns to directly retaliate against her (Charging Party) for having issued Ms. Kuhn's the written warning for harassment on August 20, 2009, and also to retaliate against the coworkers whom had earlier complained to Plaintiff about Ms. Kuhn's ongoing harassment..

29.) Plaintiff believes and avers that Ms. Kuhns, Ms. Ackerman, and other upper management intentionally invaded her privacy by illegally recording her.

30.) Defendant terminated Plaintiff for merely reporting harassment that constitutes a felony in Pennsylvania, such harassment and crime(s) being directed against Plaintiff herself and other workers of the Call Center, and also being contrary to clearly established public policy, as codified in Pennsylvania's Wiretapping and Electronic Surveillance Control Act, 18 Pa. C.S. Section 5274 et. seq., and Chapter 51 of the Pennsylvania Code, as well as in federal law.

31.) Plaintiff is aggrieved by the illegal interception of her and others by Defendant.

32.) On the morning of August 31, 2009, Ms. Ackerman called Plaintiff into her office and informed her that position at N3 was being terminated.

33.) Plaintiff was shocked and protested to Ms. Ackerman that she was "firing the wrong person", and referenced the unfairness of firing her for reporting to management Ms. Kuhn's violations of Defendant's harassment policies, and the criminal laws prohibiting nonconsensual recording.

Wherefore, Plaintiff demands compensatory and punitive damages for lost wages and invasion of privacy in an amount not less than $50.000.00

COUNT II - WRONGFUL DISCHARGE

34. Plaintiff specifically requested that Ms. Ackerman and Defendant reconsider the termination of her employment because it was "unlawful" and contrary to Defendant's policies, including Defendant's progressive disciplinary policy (which required verbal and written warnings prior to discharge, which warnings Charging Party, unlike Ms. Kuhns, had not received) and Defendant's aforesaid anti-discrimination and freedom from harassment policy's strict prohibition of retaliation for reporting of harassment complaints.

35,) Ms. Ackerman responded that she had checked with Defendant's attorneys and was advised that the recording by Ms. Kuhns was not a felony (which is incorrect).

36;) During the discharge meeting of August 31, 2009, Ms. Ackerman also refused to honor Plaintiff's request to specifically review the portions of Defendant's policies and rules that prohibited the termination of her employment; such policies and rules include Defendant's anti – harassment and anti – retaliation policy statements, and the "Rules for the Call Center" which in pertinent part state under "Employment Regulations" that "The company can terminate employment after 2nd or 3rd offense."

37. Ms. Ackerman arbitrarily refused to reconsider the termination of Charging Party, and stated that Defendant's anti – harassment and anti – retaliation policies "only apply to violence." Ms. Ackerman added that Plaintiff was "not a good fit", but otherwise made it clear that Defendant's management fully supported the termination decision.

Wherefore, Plaintiff demands compensatory and punitive damages for lost wages and invasion of privacy in an amount not less than $50.000.00

COUNT III - WRONGFUL DISCHARGE – AGE DISCRIMINATION

(PHRA AND ADEA)

38. Upon information and belief, Defendant's termination of Plaintiff was announced to the employees of Defendant by Ms. Ackerman in an email to every employee dated August 31, 2009.

39. Also, upon information and belief, Defendant replaced Plaintiff with a much younger female (approximately 28 years old) and did not consider allowing the current night shift Call Center Supervisor (whom is in her late 50's) to fill Plaintiff's shift, despite said older Supervisor's obvious qualifications and her requests for consideration for such day – shift Call Center Supervisor position.

40.) Plaintiff believes that her position was terminated in connection with a decision by Defendant's upper management to replace Plaintiff with a much younger female, and that Defendant unlawfully discriminated against Plaintiff due to her age (Charging was 45 at the time of her termination) in violation of both the Age Discrimination in Employment Act, and the Pennsylvania Human Relations Act.

Wherefore, Plaintiff demands compensatory and punitive damages for lost wages in an amount not less than $50.000.00, back and front pay, and attorney's fees and costs, and all other relief deemed just.

COUNT IV - WRONGFUL DISCHARGE – RETALIATION UNDER TITLE VII AND PHRA

41.) Defendant's conduct and her termination constitutes unlawful retaliation against Plaintiff for having properly reported harassment by Ms. Kuhn's toward Defendant's sole black employee (Debra Ho Sue) whom Plaintiff had hired (as well as other coworkers under Plaintiff's supervision), thereby making Defendant's termination of Plaintiff a violation of Title VII of the Civil Rights Act of 1991, as amended.

Wherefore, Plaintiff demands compensatory and punitive damages for lost wages in an amount not less than $50.000.00, back and front pay, and attorney's fees and costs, and all other relief deemed just.

COUNT V - WRONGFUL DISCHARGE – COMMON LAW

42. Defendant's termination of her employment gives rise to a common law "wrongful discharge" claim which is actionable as such under the "public policy" exception to the "employment at will" doctrine of Pennsylvania, and all lost wages and other relief above is requested.

43.Plaintiff also believes and asserts that Defendant's termination amounts to breach of contract, as the Defendant's aforesaid Policies and Rules created a contractual obligation in Defendant to not discharge Plaintiff in retaliation for her aforesaid complaints of harassment and retaliation, especially without following the aforesaid progressive disciplinary policy that prohibited discharge of Plaintiff without any (let alone a "2nd or 3rd") verbal and/or "written warning" having been issued to her by Defendant during her approximate 6 and ½ years of continuous employment with Defendant.

44.) Defendant has no employee handbook reserving application of the employment at will doctrine, and Defendant breached the contact and/or implied contract arising from the written policies and that required Plaintiff to act as she did as described above; the bad faith failure to even consider such policies and rules as having been followed by Plaintiff immediately prior to her discharge is a material and outrageous breach of Defendant's contract and representations with and to Charging Party. Similarly, Defendant's discharge of Plaintiff amounts to "wrongful discharge" under t

45,) The public policy exception to the employment at will doctrine, as Defendant brazenly and knowingly discharged Plaintiff for reporting felonious conduct of Defendant's employee, and condoned and approved of such illegal conduct by not disciplining Ms. Kuhns for engaging in same despite her having been issued numerous warnings throughout her employment with Defendant.

WHEREFORE Plaintiff also respectfully requests that she be afforded all remedies available to her for her wrongful discharge and harassment, as made illegal under Section 5 of the PHRA, and requests all appropriate remedies be afforded her pursuant to Section 9 of the Pennsylvania Human Relations Act, 43 P.S. Sections 43 P.S. Sections 951-963. Plaintiff also respectfully requests all remedies available for Defendant's violations of the federal Age Discrimination in Employment Act and Title VII of the Civil Rights Act of 1991, as amended, for the Defendant's aforesaid unlawful age discrimination, harassment, and creation and maintenance of a "hostile work environment" which included racial and age discrimination, and for Defendant's retaliatory discharge of Plaintiff for dutifully complaining of and opposing such unlawful employment practices as alleged above. As a remedy, seeks (without limitation by specification) all lost wages and benefits, including back pay and front pay, compensatory, liquidated and punitive damages, plus attorney's fees, costs, and such other and further relief as deemed just and appropriate to remedy and deter Defendant's illegal and unconscionable conduct.

Respectfully submitted,

By: _s/ ______________________

Joseph N. Sciulli, Esq.

Counsel for Anne M. Roth,

*Electronically filed

Signature maintained by filing party

VERIFICATION OF COUNSEL

I, Joseph N. Sciulli, Esquire, verify the facts set forth in the Complaint are true and correct based upon information and belief. Verification under 18 Pa. C.S. A. Section 4904 of Plaintiff is to follow by Praecipe to attach verification.

By: _s/ ______________________

Joseph N. Sciulli, Esq.

Counsel for Anne M. Roth,

*Electronically filed

Signature maintained by filing party

PRAECIPE TO ATTACH VERIFICATION AND VERIFICATION OF CLIENT/PLAINTIFF TO FOLLOW

By: Joseph N. Sciulli, Esq.
Attorney ID #60182

313 Main Street

P. O. Box 194

Green Lane, PA 18054

(215) 234-0881 || Fax: (215) 234-0891

Email: jsciulliesq@verizon.net

Counsel for Plaintiff, Anne M. Roth

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ANNE M. ROTH, Plaintiff	:	
V.	:	CIVIL ACTION No. 2011 - 32508
N3 OCEANIC, INC., Defendant	:	JURY TRIAL DEMANDED

PRAECIPE TO SUBSTITUTE VERIFICATION OF PLAINTIFF TO COMPLAINT

To the Prothonotary:

Kindly substitute the attached "Verification" of Plaintiff, Anne M. Roth, to the Complaint for my Verification thereof, as counsel for Plaintiff. Thank you.

By: s*/_________________________
Joseph N. Sciulli, Esq.,
Attorney for Plaintiff, Anne M. Roth

* filed using Court's e – filing system;
signature retained by filing party

January 26, 2012

VERIFICATION

I, Anne M. Roth, Plaintiff in the foregoing action, hereby verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

Anne M Roth

Anne M. Roth, Plaintiff

By: Joseph N. Sciulli, Esq.
Attorney ID #60182
313 Main Street
P. O. Box 194
Green Lane, PA 18054
(215) 234-0881 || Fax: (215) 234-0891
Email: jsciulliesq@verizon.net

Counsel for Plaintiff, Anne M. Roth

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ANNE M. ROTH, Plaintiff :

V. : CIVIL ACTION No. 2011 - 32508

N3 OCEANIC, INC., Defendant : JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Joseph N. Sciulli, Esquire, counsel for Plaintiff, hereby certify that on January 26, 2012, I served true and correct copies of Plaintiff's Complaint (with Notice to Defend), a "Praecipe to Substitute Verification of Plaintiff to Complaint" (and attached Verification of Plaintiff), and this Certificate of Service respecting the foregoing electronically filed documents via direct emails from me, and via the Court's e- filing system, to the attorney of record for the Defendant , whose email and ordinary mail addresses are as follows:

Randal S. White, Esq.
Fox Rothschild LLP
2700 Kelly Road
Suite 300
Warrington, PA 18976
rwhite@foxrothschild.com

By: s*/________________________
Joseph N. Sciulli, Esq.,
Attorney for Plaintiff, Anne M. Roth

* filed using Court's e – filing system; signature retained by filing party

January 26, 2012